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HIGH COURT OF CHHATTISGARH, BILASPUR

W. P(S) No. 7087 of 2007

PETITIONER Shadanan Prasad Patel, s/o Trilochan Prasad Patel, aged about 36 years, r/o village Kabaripali, P.O. Kotmi, Block Dabra, Distt. Janjgir Champa (C.G).

Versus

RESPONDENTS

1. State of Chhattisgarh, through Secretary, Department of Agriculture, D.K.S. Bhawan, Raipur (C.G.)
2. Director, Directorate of Agriculture, Labhandi, Raipur (C.G)
3. Additional Director, Directorate of Agriculture, Labhandi, Raipur (C.G).

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUION OF INDIA

Appearance:

Shri Vivek Shrivastava, counsel for the petitioner.

Shri Satish Gupta, Dy. Govt. Advocate, appears for the State/ respondents on advance copy.

ORAL ORDER
(29.11.2007)

SUNIL KUMAR SINHA, J.

Heard.

Learned counsel for the petitioner argues that the petitioner was appointed on the Post of L.D.C. in Agricultural Department by order dated 26.5.1994. His appointment was a compassionate appointment. He submits that for appointment to the post of Clerk, passing of tying examination is not an essential condition. However, a condition has been imposed in the appointment order that he should pass the typing examination. He submits that almost similar point has been decided by the M.P. Administrative Tribunal in O.A.No.146/93. His grievance is that though the petitioner was appointed in the year 1994, but not a single

increment has been added to the emoluments of the petitioner. He submits that for the time being this petition may be disposed of with liberty to the petitioner to file a detailed representation before the concerned authority and the concerned authority may be directed to dispose of the said representation within the stipulated period granted by this court particularly in light of the decision of the Tribunal in O.A.No.146/93 as also the order dt.2nd of July 2007 passed in W.P.(S). No. 3739/07 (Annexures P-4 & P-5).

This limited prayer made by learned counsel for the petitioner is not opposed by learned State Counsel.

It is directed that the petitioner, if so directed, may file a detailed representation before the concerned authority alongwith a copy of this order as also copy of this writ petition within a period of 3 weeks from today and if such a representation is filed, the concerned authority shall dispose of the same within a period of 8 weeks from the date of filing of such representation.

With the aforesaid observation, this petition stands disposed of.

Sd/-
Sunil Kumar Sinha
Judge

Rao